

United States District Court
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, Missouri 63102

Gregory J. Linhares

314-244-7900

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In re:

Case No. 4:17CV23

Dear Counsel of Record,

I have been contacted by Judge Jean C. Hamilton who presided over the above-mentioned case from January 19, 2017 to April 6, 2017.

Judge Hamilton informed me that it has been brought to her attention that while she presided over the case she held stock in 3M Company. Her ownership of stock neither affected nor impacted the three non-substantive orders she entered in this case. However, her stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Hamilton directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to Judge Hamilton’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before September 16, 2021. A copy of this notice shall be sent to the last known address for the parties and any attorneys. Any response will be considered by another judge of this court without the participation of Judge Hamilton.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory J. Linhares".

Gregory J. Linhares
Clerk of Court